

No. 20-11692

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

REALITY LEIGH WINNER,

Defendant-Appellant.

On Appeal from the United States District Court
for the Southern District of Georgia

**APPELLEE'S MOTION TO SUPPLEMENT AND MOTION TO
FILE ATTACHMENTS UNDER SEAL**

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

Justin G. Davids
Assistant United States Attorney

United States Attorney's Office
22 Barnard Street, Suite 300
Savannah, Georgia 31401
(912) 652-4422

United States v. Winner

**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

COMES NOW the United States of America, by and through
Bobby L. Christine, United States Attorney for the Southern District
of Georgia, and files its Certificate of Interested Persons and
Corporate Disclosure Statement as follows:

Aaron, David C., U.S. Department of Justice Attorney

Barnard, Thomas H., Attorney for Appellant

Bell Jr., John C., Attorney for Appellant

Chester, Matthew S., Attorney for Appellant

Christine, Bobby L., United States Attorney

Collins, Laura E., Attorney for Appellant

Davids, Justin G., Assistant United States Attorney

Durham, James D., Former Assistant United States Attorney

Edelstein, Julie A., U.S. Department of Justice Attorney

Epps, Hon. Brian K., United States Magistrate Judge

Greenwood, Nancy C., Assistant United States Attorney

Hall, Hon. J. Randal, Chief United States District Judge

United States v. Winner

Hudson, David E., Former Attorney for Reporters Committee For
Freedom of the Press

Larson, Amy E., U.S. Department of Justice Attorney

Mannino, Katherine C., Attorney for Appellant

McCook, Jill E., Former Attorney for Appellant

Nichols, Titus T., Attorney for Appellant

Rafferty, Brian T., Former Assistant United States Attorney

Reporters Committee For Freedom of the Press

Robichaux, Mary S., Assistant United States Attorney

Rodriguez-Feo, Carli, Interested Party

Solari, Jennifer G., Assistant United States Attorney

Switzer, Brett A., Attorney for Appellant

Whitley, Joe D., Attorney for Appellant

Winner, Reality, Appellant

No publicly traded company or corporation has an interest in the
outcome of this case or appeal

GOVERNMENT'S SUPPLEMENTAL BRIEF

Since this case was fully briefed, appellant has filed two motions to supplement the record. The government continues to assert the arguments raised in its original response brief. Apart from those issues, though, the government submits this motion in order to keep this Court informed of the present circumstances. Additionally, under Eleventh Circuit Rule 25-5, the government requests leave to file two attachments under seal, which represent appellee's medical records.

While appellant states in her most recent filing that she has now tested positive for COVID-19, it appears that she is asymptomatic. On July 3, 2020, a BOP nurse practitioner ordered a COVID-19 lab test for appellant based on an outbreak at the facility. (Att. 1 at 5.) It appears the test was performed on appellant on July 7, 2020. (*Id.* at 9.) On July 14, 2020, a BOP doctor evaluated appellant for COVID-19. (*Id.* at 2.) At the evaluation, appellant stated that she did not have a cough, shortness of breath, a fever, chills, sore throat, nausea, vomiting, fatigue, or loss of smell. (*Id.*) Appellant told the doctor she felt fine without any symptoms. (*Id.*) The doctor explained the exam was normal without evidence of any medical issue or COVID-19 symptoms. (*Id.*) The doctor noted that

appellant was awaiting a COVID-19 test result and told appellant to inform BOP staff immediately if she began exhibiting any symptoms. (*Id.*) On July 15, 2020, another COVID-19 test appears to have been performed on appellant. (*Id.* at 7.)

On July 19, 2020, lab work confirmed that the July 15, 2020, sample tested positive for COVID-19. (*Id.* at 7.) The next day, on July 20, 2020, lab work confirmed that that the July 7, 2020, sample tested positive for COVID-19. (*Id.* at 5, 9.)

BOP informs the government that appellant is currently housed in an isolation unit with other COVID-19 positive inmates who are asymptomatic or exhibiting minimal symptoms. BOP explains that regular temperature checks are taken and medical staff check on the unit daily. (Att. 2.)

Respectfully submitted,

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

/s/ Justin G. Davids

Justin G. Davids
Assistant United States Attorney
Missouri Bar No. 57661
justin.davids@usdoj.gov

Post Office Box 8970
Savannah, GA 31412
Telephone Number: 912-652-4422

CERTIFICATE OF COMPLIANCE AND SERVICE

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface (14-point Century Schoolbook) using Microsoft Word 2016.

This brief complies with the type-volume limitations of Fed. R. App. P. 32(a)(7)(B) because it contains 337 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

This brief was filed today through the Court's ECF system, and thereby served on counsel of record, Joe Whitley, at his Court-registered email address JWhitley@bakerdonelson.com under Fed. R. App. P. 25(c)(1)(C) and 11th Cir. R. 25-3(a).

Dated: July 24, 2020.

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

/s/ Justin G. Davids

Justin G. Davids
Assistant United States Attorney
Missouri Bar No. 57661
justin.davids@usdoj.gov

Post Office Box 8970
Savannah, GA 31412
Telephone Number: 912-652-4422